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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
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89/262,458 03/34/99 FOSSLEY

D 32390-P6648

NM42/1290
HOWARD A SKAIST INTEL CORPORATION
BLOKELY SOKOLOFF TAYLOR & ZAFMAN
12400 MILESHIRE BOULEVARD
7TH FLOOR
LOS ANGELES CA 90025

 EXAMINER

NGO, N

 ART UNIT PAPER NUMBER

2914

DATE MAILED:

12/30/99

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

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Office Action Summary

Application No.	09/262458	Applicant(s)	Poss Ley
Examiner	Nguyen Ngoc	Group Art Unit	2814

—The MAILING DATE of this communication appears on the cover sheet beneath the correspondence address—

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE Three MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, such period shall, by default, expire SIX (6) MONTHS from the mailing date of this communication .
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).

Status

- Responsive to communication(s) filed on 11-22-94
- This action is FINAL.
- Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

Disposition of Claims

- Claim(s) 1 to 26 is/are pending in the application.
- Of the above claim(s) 17 to 20 is/are withdrawn from consideration.
- Claim(s) _____ is/are allowed.
- Claim(s) 1 to 12 and 21 to 26 is/are rejected.
- Claim(s) _____ is/are objected to.
- Claim(s) _____ are subject to restriction or election requirement.

Application Papers

- See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948.
- The proposed drawing correction, filed on _____ is approved disapproved.
- The drawing(s) filed on _____ is/are objected to by the Examiner.
- The specification is objected to by the Examiner.
- The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119 (a)-(d)

- Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).
- All Some* None of the CERTIFIED copies of the priority documents have been received.
- received in Application No. (Series Code/Serial Number) _____.
- received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

*Certified copies not received: _____

Attachment(s)

- Information Disclosure Statement(s), PTO-1449, Paper No(s). 4 Interview Summary, PTO-413
- Notice of Reference(s) Cited, PTO-892 Notice of Informal Patent Application, PTO-152
- Notice of Draftsperson's Patent Drawing Review, PTO-948 Other _____

Office Action Summary

Art Unit: 2814

The response filed November 22, 1999 has been entered and made of record as paper no.

6.

Applicant's election of Group I (claims 1-12 and 21-26) in Paper No. 6 is acknowledged.

Because applicant did not distinctly and specifically point out the supposed errors in the restriction requirement, the election has been treated as an election without traverse (MPEP § 818.03(a)).

The US patent application serial number on line 3 of page 2 is not available.

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-12 and 21-26 are rejected under 35 U.S.C. 103(a) as being unpatentable over Tran et al (US-5,780,883, cited by Applicants).

Tran discloses in figures 3A and 3B a gate array architecture comprising a plurality of N-type and P-type diffusion regions having polysilicon gates in which the regions have two distinct transistor sizes, smaller N and P type transistors and larger N and P type transistors. It would have been obvious that Tran discloses the claimed device.

In re claim 21, it is well-known to use gate array to form memory device (storage medium as claimed) such as taught by Tran on line 7 of column 2.

Art Unit: 2814

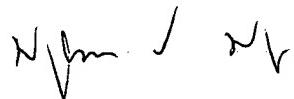
Claims 1-12 and 21-26 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sato (US-4,816, 887).

Sato discloses a gate array having two distinct transistor sizes on the order of one-third. It would have been obvious that Sato discloses the claimed device.

The other references are cited to show other structures pertinent to Applicant's disclosure.

Any inquiry concerning this communication should be directed to Examiner Ngan Ngo at telephone number (703) 308-4938. The fax phone number for the Art unit is (703) 308-7722.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703) 308-0956.



Ngan Van Ngo
Primary Examiner

Ngan Ngo

December 27, 1999